

REMARKS

This amendment is in response to the office action mailed February 9, 2006. The responses are in the order in which the issues are raised in the office action.

Claims 17 and 19 are rejected under 35 U. S. C. 112, first paragraph as failing to comply with the enabling requirement. In particular, The examiner states that the amended claimed subject matter “ simultaneous” is not supported by the original specification.

In response, applicants respectfully disagree with the examiner and argue that the specification does support simultaneous as used in the amended claims. The areas of the specification supporting simultaneous will now be addressed . A test at block 1100 (Fig.5) determine if the queue is in a calendar. If so control passes to location 0102A (Fig.6) where it is determined if the flow queue is in all of the calendar it needs to be in. If there is a minimum bandwidth component control passes to Fig. 8 where the flow is enqueued to a calendar for best effort service. Page 20, lines 22 through page 21,lines 2 and page21,lines 18 -22.

A graphical representation of a queue on multiple calendars, simultaneously, is shown in Fig.3 and describe at page 17 ,lines 16 – 20 (applicants' specification) where flow queue 2047 has its flow i.d. at location 231 in calendar 230 and 251 in calendar 250. It is applicants' contention the teachings in the specification including the ones identified above is sufficient to support the requirement of 35 U.S.C. 12, first paragraph in support of “simultaneous” as used in the amended claims.

REJECTION OF CLAIMS 18, 20-21

Claims 18 and 20 -21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (USPat. 5,635,494) in view of Calvignac et.al. (USPat. 5,946,297). This rejection was made in a previous Office Action.

Applicants' response to this rejection was made in the Amendment Filed With the RCE. In particular, the claims were amended by inserting "simultaneous " with arguments traversing the rejection set forth under D (pages 13 -15) of that amendment. Those arguments are applicable to the present rejection and are incorporated herein by reference. In particular, applicants would like to point out this set of rejected claims all have "simultaneous" in them . As argued above and incorporated herein by reference , this feature is not suggested in any of the cited reference. Therefore , Claims 18 and 20-21 are patentable over the art of record.

REJECTION OF CLAIMS 24 AND 25

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pillar(USPat. 6,438,106)in view of Braff et al (USPat. 5,166,930). It is noted this rejection was made in a previous Office Action.

In response, Claim 25 is cancelled since "n greater than 1" in Claim 24 appears to include n=4 Claim 25. With respect to Claim 24 ,it depends ,in part , on Claim 17 which as argued above and incorporated herein by reference include "simultaneous". This limitation is not found in any of the cited reference. Therefore , the Examiner's combination lacks this limitation. As argued above failure of the combined reference to teach all limitations in the claim is deemed not making out a prima facie case of obviousness. Therefore, claim 24 is not obvious in view of cited references.

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In addition , the arguments set forth under E(pages 15-16) of the Amendment Filed with the RCE is equally applicable and is incorporated herein by reference.

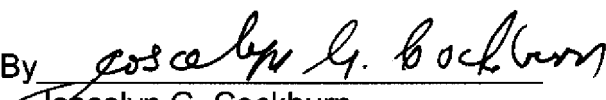
With respect to newly added Claim 29, it is derived from Claim 1 and Claim 24. This is permissible because Claim 24 depends on Claim 1 which stands allowed. Therefore, Claim 29 should be allowable and its allowance is respectfully requested.

Claims 1-15 and 26-28 are allowed and are not addressed further in this amendment.

It is believed this amendment answers all the issues raised by the Examiner. Reconsideration is hereby requested and an early allowance of all the Claims is solicited.

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Respectfully submitted,

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